



## Federal Judge refuses to dismiss John Edwards charges

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 1:58 PM May 11, 2012

USA Today on May 11, 2012 released the following:

“RALEIGH, N.C. (AP) – A federal judge refused to throw out campaign corruption charges against John Edwards on Friday, meaning the former presidential hopeful will have to present his case to a jury.

Lawyers for Edwards argued before U.S. District Court Judge Catherine C. Eagles that prosecutors failed to prove Edwards intentionally violated the law.

After two-and-a-half hours of arguments from prosecutors and the defense, the judge ruled immediately from the bench that there was enough evidence to let jurors decide.

Motions to dismiss are routine in criminal trials, but rarely granted. The decision means Edwards’ lawyers will begin calling witnesses Monday.

Edwards has pleaded not guilty to six criminal counts related to campaign finance violations. He is accused of masterminding a scheme to use nearly \$1 million in secret payments from two wealthy donors to help hide his pregnant mistress as he sought the Democratic presidential nomination in 2008. He faces up to 30 years in prison if convicted on all counts.

After 14 days of testimony and evidence presented by prosecutors, legal observers in the North Carolina courtroom said the government’s case was weak.

“They have established their case enough to get to a jury, but it has holes in it,” said Kieran J. Shanahan, a Raleigh defense lawyer and former federal prosecutor. “He is not charged with being a liar and he is

not charged with having a baby out of wedlock. He is charged with breaking campaign finance laws.”

To prove guilt, prosecutors must show that Edwards not only knew about the money used in the cover-up orchestrated by two members of his campaign, which he denies, but also that the former trial lawyer knew he was violating the law.

Prosecutors rested their case Thursday by playing a tape of a 2008 national television interview in which the Democrat repeatedly lied about his extramarital affair with the woman, Rielle Hunter, and denied fathering her baby.

Earlier testimony from a parade of former aides and advisors also showed an unappealing side of Edwards, casting him as a liar and lousy husband.

“It is rare the jury gets to see the defendant talking about the main issues of a case in a televised videotape, especially with the defendant watching himself talking about the issues in the videotape,” said Steven Friedland, a former prosecutor and professor at Elon University School of Law. “The defense must somehow counteract that lasting impression.”

A key question is whether Edwards will take the stand in his own defense.

Before winning a U.S. Senate seat in 1998, Edwards made a fortune as a personal injury lawyer renowned for his ability to sway jurors. However, in doing so Edwards would also expose himself to what would likely be a withering cross-examination about his many past lies and personal failings.

The defense could also call Hunter to the stand, which prosecutors declined to do. She could potentially echo Edwards’ position that he didn’t have direct

knowledge of the secret effort to care for her and keep her out of the public eye.

However, Friedland said he’d be surprised to see the mistress take the stand.

“She will simply call more attention to the lies surrounding her affair and pregnancy,” he said.”

Douglas McNabb – McNabb Associates, P.C.’s

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## Former New England Organized Crime Leader and Associate Sentenced for Racketeering and Extortion Activities

(USDOJ: Justice News)

Submitted at 2:07 PM May 11, 2012

Luigi “Louie” Manocchio, an admitted former boss and underboss of the New England La Cosa Nostra (NELCN), was sentenced today to 66 months in federal prison for his leadership of and

participation in a racketeering and extortion conspiracy that demanded and received between \$800,000 and \$1.5 million in “protection” payments from several Rhode Island adult entertainment businesses from 1995-2009.

## Rhode Island-based Sellers of Herbal Products Held in Contempt

(USDOJ: Justice News)

Submitted at 4:16 PM May 11, 2012

A U.S. district court judge has held Daniel Chapter One, an herbal products company located in Portsmouth, R.I., and its officers, James and Patricia Feijo, in civil contempt of court for violating the terms of a preliminary injunction order, the Justice Department announced today.



# Three Defendants Indicted in Alleged \$750,000 Mortgage Fraud Scheme Involving Three Residences in Chicago

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:56 AM May 11, 2012

The Federal Bureau of Investigation (FBI) on May 10, 2012 released the following:

“CHICAGO— A Chicago area real estate investor, the president of a Colorado real estate financing company, and a licensed appraiser were indicted for allegedly participating in a scheme to fraudulently attempt to obtain mortgage loans totaling more than \$750,000 by selling three residential properties in Chicago to nominee buyers, federal law enforcement officials announced today. The charges result from Operation Madhouse, an undercover investigation in which a cooperating individual posed as someone who could assist in structuring fraudulent loan transactions through a bank contact who would approve bogus loan applications on behalf of nominee buyers.

Defendant Paul Demos, 66, of Chicago, the licensed appraiser, was arrested this morning and was released on his own recognizance after pleading not guilty at his arraignment before U.S. District Judge Amy St. Eve in Federal Court. Co-defendants Michael Fort, 42, of Hazel Crest, an investor who owned multiple properties in Chicago; and Jeffrey Olson, 43, of Lakewood, Colorado, who was president of 1st Funding Source LLC, which engaged in real estate financing, were not arrested and will be arraigned at a later date.

Fort was charged with three counts of bank fraud, and Demos and Olson were each charged with two counts of bank fraud in an indictment returned by a federal grand jury on Tuesday and unsealed today following Demos' arrest. The arrest and charges were announced by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois; Robert D. Grant, Special Agent in Charge of the Chicago Office of the Federal Bureau of Investigation; Barry McLaughlin, Special Agent in Charge of the U.S. Department of Housing and Urban Development Office of Inspector General in Chicago; and Alvin Patton, Special Agent in Charge of the Internal Revenue Service Criminal Investigation Division in Chicago.

According to the indictment, the fraud scheme involved a “double-closing” on a residence located at 5517 South Paulina St. and the sale of residences located at 6845 South Morgan St. and 1241 North

Monitor Ave., all in Chicago, between June and September 2010. The defendants and others allegedly fraudulently attempted to obtain loans by preparing and submitting to an unnamed bank applications in the names of nominee buyers that contained false information about the borrower's employment, income, assets, down payment, intention to occupy the residence, and the value of the property.

Regarding the Paulina “double-closing,” the defendants and the undercover cooperating individual allegedly agreed that Fort would “short sell” the residence to a nominee intermediate party, who would immediately resell the property to a nominee buyer, with the second sale financed by a fraudulently-obtained \$295,850 loan. Fort allegedly hid information from the short sale lender, including that Fort had arranged for an immediate resale to a nominee buyer at a price significantly higher than the short sale price and based on an inflated appraisal and that he would profit from the resale.

The Morgan Street property was to be sold to a nominee buyer financed by a fraudulently-obtained \$300,600 loan and the Monitor Avenue sale by Fort to a nominee buyer financed by a fraudulently-obtained \$203,700 loan, the indictment alleges. As part of the scheme, Fort would pay a fee to the nominee buyers of the Paulina and Monitor properties, it adds. In exchange, the nominee buyers would obtain the loans and sign the documents at closings but would not occupy the residences or make payments on the loans. Fort allegedly intended to keep the proceeds of the fraudulently-obtained mortgages.

Demos allegedly provided the bank with false appraisals that inflated the value of the Paulina and Morgan properties. Olson allegedly provided the down payment funds for the nominee buyer of the Morgan property, and agreed to provide the down payment and short sale funds for the Paulina property. In September 2010, Fort and others appeared at the closings for the sale of Paulina and Morgan properties, allegedly intending to receive approximately \$596,450 in fraudulently-obtained loan proceeds. Together with the Monitor property, the defendants allegedly intended to fraudulently obtain mortgages totaling more than \$750,000.

The government is being represented by Assistant U.S. Attorneys Tyler Murray

and Christopher Stetler.

Each count of bank fraud carries a maximum penalty of 30 years in prison and a \$1 million fine, and restitution is mandatory. If convicted, the court may impose an alternate fine totaling twice the loss to any victim or twice the gain to the defendant, whichever is greater. The court must impose a reasonable sentence under federal sentencing statutes and the advisory United States Sentencing Guidelines.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

The charges are part of a continuing effort to investigate and prosecute mortgage fraud in northern Illinois and nationwide under the umbrella of the interagency Financial Fraud Enforcement Task Force, which was established to lead an aggressive, coordinated, and proactive effort to investigate and prosecute financial crimes.

Since 2008, approximately 200 defendants have been charged in Federal Court in Chicago and Rockford with engaging in various mortgage fraud schemes involving more than 1,000 properties and more than \$280 million in potential losses, signifying the high priority that federal law enforcement officials give mortgage fraud in an effort to deter others from engaging in crimes relating to residential and commercial real estate.

The Financial Fraud Enforcement Task Force includes representatives from a broad range of federal agencies, regulatory authorities, inspectors general, and state and local law enforcement who, working together, bring to bear a powerful array of criminal and civil enforcement resources. The task force is working to improve efforts across the federal executive branch and, with state and local partners, to investigate and prosecute significant financial crimes, ensure just and effective punishment for those who perpetrate financial crimes, combat discrimination in the lending and financial markets, and recover proceeds for victims of financial crimes. For more information on the task force, visit: [www.StopFraud.gov](http://www.StopFraud.gov).”



# Prosecution Rests After Presenting Video of Edwards's Lies About His Affair

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:13 AM May 11, 2012

The New York Times on May 10, 2012 released the following:

“By KIM SEVERSON

GREENSBORO, N.C. — Prosecutors rested their case against former Senator John Edwards on Thursday, offering as their last piece of evidence a national television interview he did in 2008 in which he denied much about the affair that ultimately brought him to the federal courtroom here.

Watching Mr. Edwards watch himself lie was the most electric moment yet in a three-week trial that has been relatively light on federal campaign law and heavy on dramatic narrative.

Mr. Edwards, 58, faces six counts of conspiracy and violating campaign laws. The Department of Justice contends he illegally used at least \$925,000 in money from two wealthy donors to hide his mistress and their child as he pursued the 2008 Democratic presidential nomination.

The actual amount spent keeping the affair from his family and the public is well over a million dollars, but the government is focusing only on money spent until he suspended his campaign at the end of January 2008.

The affair had begun a couple of years earlier, but remained largely a rumor. The National Enquirer ran an article in October 2007 about the affair that was ignored by other news media. But when it published a photograph of Mr. Edwards holding his baby in a Beverly Hills hotel, the story took on a new life.

Instead of admitting it, Mr. Edwards allowed an aide to claim paternity. The aide, Andrew Young, then took his own family and Mr. Edwards's pregnant mistress, Rielle Hunter, on the run, eventually ending up renting a mansion for about \$20,000 a month in Santa Barbara, Calif. The baby, Frances Quinn Hunter, was born in February 2008, a month after Mr. Edwards suspended his run for the presidency. As the race between Hillary Rodham Clinton and Barack Obama progressed, Mr. Edwards still held out hope for a position as attorney general or eventually as a Supreme Court justice.

By that August, with the Democratic National Convention weeks away, he thought he could make the story go away

by confessing to a brief affair but deny that the baby, at that point 6 months old, was his.

So he asked Jennifer Palmieri, his former press secretary and a close friend of his wife, Elizabeth, to help arrange an interview on the ABC News program “Nightline” with the reporter Bob Woodruff, who has attended the trial nearly every day.

Mr. Edwards was going to use a “thread the needle” strategy, said Ms. Palmieri, who is now a deputy director of communications for the White House.

That is, he would confess to a brief affair and claim that it was over and that he and his wife had reconciled. He would deny both that the baby was his and that he arranged to pay to support Ms. Hunter.

Ms. Palmieri advised him against it. She had come to believe the baby was his.

“I told him I didn’t think he should do an interview if he was going to lie,” she told the court. “He didn’t need any more press attention at this point.”

She knew his political career was essentially over, she testified Wednesday. “He was deluded for thinking otherwise,” she said.

Still, he went ahead with the interview. It played for nearly 20 minutes on screens around the courtroom, including one on the defense table directly in front of him.

Mr. Edwards watched a younger, happier-looking version of himself sitting forward in a chair in his Chapel Hill home, taking question after question.

Was the affair over? “Oh, yes. It’s been over for a long time.” Is that your baby? “That is absolutely not true.”

Two weeks earlier, he had been photographed at the Beverly Hills Hilton holding Quinn. But in the interview, he claimed no knowledge of who the baby was or where the photo had come from.

The short affair happened when his wife’s cancer was in remission, he said, and was the result of narcissism and the conflicts that come from rising so high after growing up as a small-town boy with humble roots.

Mr. Edwards, whose wife died in 2010, watched himself assert repeatedly that he never spent money supporting his former mistress and her child.

“If the allegation is that somehow I participated in the payment of money, that is a lie,” he said. He said he would take a paternity test if asked.

“One of the purposes of this interview, Bob, is to tell the truth,” he said.

As the video ran, Mr. Edwards’s reaction was muted. He closed his eyes now and again, and sometimes touched his fingertips to his lips. When it was over and court was adjourned, his lawyer clapped him on the shoulder. Mr. Edwards laughed.

He and his defense team appear confident that he will not be convicted, and that he will escape up to 30 years in prison and \$1.5 million in fines.

At the close of court on Wednesday, with the prosecution nearing the end of its case, Mr. Edwards turned to the head of his defense team, Abbe Lowell, and said, “This is their case?”

On Friday, his lawyers will ask Judge Catherine C. Eagles to dismiss the charges, claiming the government has not presented a strong enough case against him to go to the jury.

If she denies their motion, Mr. Edwards’s defense will begin Monday. Whether Mr. Edwards will testify in his own defense remains unclear.”

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# Roger Clemens trial: Yankees GM Brian Cashman testifies favorably on pitcher's work ethic

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:04 AM May 11, 2012

The Washington Post on May 10, 2012 released the following:

“By Ann E. Marimow and Del Quentin Wilber

New York Yankees General Manager Brian Cashman testified in federal court Thursday that he never suspected Roger Clemens had used performance-enhancing drugs, calling him a fierce competitor and hard worker who was determined to win.

Cashman, the team's GM during Clemens's time with the Yankees, was the latest prosecution witness to testify favorably about the pitcher's character and work ethic during his trial on charges he lied to Congress in 2008 when he denied using steroids or human growth hormone (HGH).

“No one worked harder than Roger Clemens,” Cashman told jurors on cross-examination by Clemens's lead defense attorney, Rusty Hardin. “He was determined to win. He was off the charts in work ethic and desire.”

“He was the kind of player who could put a team on his shoulders and say ‘follow me,’” Cashman added, explaining why he traded for Clemens in 1999 even though the Yankees had just won the World Series.

Prosecutors summoned Cashman to testify about why he hired one of Clemens's former strength coaches to join the Yankees a year after “The Rocket” signed with the New York ball club. Federal prosecutors allege that the coach, Brian McNamee, injected Clemens with steroids and HGH in 1999, 2000 and 2001.

Cashman, who played baseball at Georgetown Prep and Catholic University, testified that he saw Clemens in the clubhouse after a poor performance against the Yankees' rival Boston Red Sox in the 1999 playoffs. Clemens didn't last three innings in giving up five runs on six hits, and Cashman conceded the pitcher had gotten “bombed” on the mound.

In the locker room, Cashman spotted Clemens with the pitcher's leg wrapped in ice because he had aggravated a nagging

hamstring injury. After Cashman asked how he felt, Clemens asked the GM to hire McNamee, who had worked with Clemens on his previous team, the Toronto Blue Jays.

“He broached the subject of McNamee,” Cashman said. “He clicked with McNamee; he knew his body, knew how to train him, how to push the right buttons.” McNamee, who could testify as early as Monday, joined the Yankees the next season, Cashman said.

Prosecutors have assiduously attempted to craft a narrative of Clemens as an aging star who needed steroids and growth hormone to recover from injuries and workouts to keep pitching at a competitive level. And they believe that moment in the Fenway Park locker room was evidence of a broken Clemens seeking help from an old friend who had injected him with steroids a year earlier.

But Cashman and other prosecution witnesses — including Clemens's former doctors, trainers and even a steroid dealer — have all testified that Clemens was the hardest-working baseball player they knew.

Defense lawyers say that Clemens never took steroids or growth hormones and was a success on the field because he toiled to improve his strength and fitness. During cross-examination, they pointed out that Clemens won the deciding game of the 1999 World Series about a week after the loss in Boston.

“He gutted it out,” Cashman said, explaining that the pitcher took the mound despite an injury that would have sidelined others.

Clemens, who won a record seven Cy Young awards, would go on to pitch successfully through the 2007 season.

But Cashman expressed reservations about McNamee and the hiring arrangement.

Cashman said it was unusual for the Yankees to hire a strength coach to work specifically with one player, and that he was uneasy about hiring McNamee. As part of the arrangement, Cashman said, McNamee's \$30,000 salary — or a portion of it — was supposed to be reimbursed by Clemens.

Clemens is charged with committing

perjury, making false statements and obstructing Congress in 2008 when he denied using performance-enhancing drugs during a nationally televised hearing. The hearing was sparked by a 2007 report by former senator George Mitchell that exposed rampant steroid use in Major League Baseball.

As part of their case, prosecutors allege that Clemens obstructed Congress when he told House investigators in a deposition that he was routinely injected with the vitamin B-12 by his strength coach and that syringes of the liquid vitamin were “lined up ready to go” after games.

Cashman and a doctor for another one of Clemens's teams, the Houston Astros, testified Thursday that McNamee and other strength coaches would not have had access to or the authority to give such injections. And they testified that they never saw pre-loaded needles in the clubhouses of their respective teams.”

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## Justice Department to Monitor Elections in Texas

(USDOJ: Justice News)

Submitted at 10:04 AM May 11, 2012

The Justice Department announced today that it will monitor municipal elections on

May 12, 2012, in Dallas, Galveston, and Jasper Counties in Texas to ensure compliance with the Voting Rights Act of 1965.



# Mohammad Nawaz Khan, Mohammad Adnan Khan, Iqila Begum Khan, Mohammad Shahbaz Khan, Gurdev Kaur Johl, and Kewal Singh Indicted by a Federal Grand Jury Alleging a Benefit Fraud Scheme

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 2:17 PM May 11, 2012

The Federal Bureau of Investigation (FBI) on May 10, 2012 released the following:

“Six Sutter County Defendants Indicted for Benefit Fraud Scheme

SACRAMENTO— United States Attorney Benjamin B. Wagner announced that a federal grand jury returned a 19-count indictment charging Mohammad Nawaz Khan, 56; Mohammad Adnan Khan, 32; Iqila Begum Khan, 31, all of Live Oak; and Mohammad Shahbaz Khan, 56; Gurdev Kaur Johl, 67; and Kewal Singh, 74, all of Yuba City, with defrauding the state of California of more than \$5 million. This investigation is ongoing to determine the full extent of the fraud.

According to the indictment, the defendants sold paystubs to other individuals that falsely showed those individuals had been paid wages by a company controlled by the defendants. The buyer would then use that paystub to file for unemployment benefits, disability benefits, or both. The defendants generally charged \$250 for every \$1,000 in wages. Over the course of the conspiracy, the defendants reported wages

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## Health Care Providers Settle with Justice Department Over Complaints of HIV Discrimination

(USDOJ: Justice News)

Submitted at 2:19 PM May 11, 2012

The Justice Department announced that it has reached two settlements today

for over 400 separate individuals that resulted in more than 2,000 fraudulent claims.

The defendants are scheduled to be arraigned on the charges on May 15, 2012 at 2:00 p.m. Mohammad Nawaz Khan has been detained pending trial as a flight risk. The other defendants have been released on bond.

This case is the product of an extensive investigation by the Federal Bureau of Investigation; the United States Department of Labor, Office of Inspector General; and the Investigation Division of the California Employment Development Department. Assistant United States Attorneys Jared C. Dolan and Kevin C. Khasigian are prosecuting the case.

If convicted, the defendants face a maximum statutory penalty of 20 years in prison and a \$250,000 fine for each count. The actual sentence, however, will be determined after conviction at the discretion of the court after consideration of any applicable statutory factors and the Federal Sentencing Guidelines, which take into account a number of variables. The charges are only allegations. Each of the defendants listed is presumed innocent, unless and until proven guilty.”

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resolving claims that health care providers refused to serve people with HIV in violation of the Americans with Disabilities Act (ADA).

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## Department of Justice Seizes More Than \$1.5 Million in Proceeds from the Online Sale of Counterfeit Sports Apparel Manufactured in China

(USDOJ: Justice News)

Submitted at 10:48 AM May 11, 2012

The investigation also resulted in the seizure of three domain names used in the sale of counterfeit sports apparel.